

Presidential Business Area



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23 May 2003

Rt Hon David Blunkett MP
Home Secretary
50 Queen Anne's Gate
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Dear Home Secretary

IRAQ - VISIT BY CHIEF CONSTABLE P R KERNAGHAN

Please find attached a copy of the report produced as a result of my visit to Iraq [13-20 May]. I have copied the report to the Foreign Secretary and the President of ACPO given their complementary interests in this subject.

Prior to my departure to Iraq I received a personal note from you. I was extremely grateful for your courtesy and much appreciated the sentiments expressed by you. I trust that my report will meet your needs and I stand ready to provide any additional briefing you might require.

Yours sincerely

Paul Kernaghan
Chief Constable
ACPO International Affairs Portfolio

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To: Rt. Hon. David Blunkett, Home Secretary*Copy to: Mr Stephen Rimmer, HO**Copy to: , HO***Rt. Hon. Jack Straw, Foreign Secretary***Copy to: Mr Stephen Pattison, FCO***Mr Chris Fox, President of ACPO****From: Mr Paul Kernaghan, Chief Constable, ACPO International Affairs Portfolio**

*Copy: Major General D J Richards, ACGS [for information]
Major General P Wall, GOC 1 [UK] Armoured Division [for information]
Mr D L Clarke, Chief Constable MDP [for information]
Mr Justin Davies FCO [attached ORHA Baghdad] [for information]*

**Subject: Report on Visit to Iraq by Chief Constable Kernaghan
[13-20 May 2003]****1. Introduction**

- 1.1 This report documents the findings of a visit undertaken to Iraq on behalf of the Home Secretary and the President of ACPO and sponsored by the Foreign & Commonwealth Office [FCO]. I was accompanied on the visit by Mr Justin Davies [FCO - Chief Political Advisor EUPM] and Superintendent John Hughes-Jones [North Wales Police - seconded to EUPM]. However, the contents of this report are the sole responsibility of the author. My two colleagues have remained in Baghdad and I deal with their tasking later in this report.
- 1.2 My personal terms of reference were to establish the operational realities of Iraq and to consider whether or not the UK civil police could play a valid part in supporting the United Kingdom's overall effort to assist the Iraqi people. If the answer to that question were to be in the affirmative, I was then to make recommendations as to what form that support should take. This report was originally conceived solely as a document meeting those narrow terms of reference. However, I believe that a wider perspective is required recognising that the Home Office will necessarily not have all the sources of information available to it, that inform the FCO. Thus, I have deliberately provided a comprehensive account of the visit and the issues, which arose, many of which I acknowledge are highly political and require policy decisions which are the responsibility of the FCO and relevant ministers.
- 1.3 I have no mandate in areas of political policy but I trust that an objective account from a professionally trained observer will be seen as a useful additional source of information. I appreciate that I may not be aware of all the background but on occasions it is easy to spot problems and equally to identify good practice.

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- 2.1 Coalition Powers [CP] initiated military action against the regime of Saddam Hussein on 19/20 March. Military operations ended in April and at the time of the visit CP forces occupied the entire country. In broad terms UK forces were responsible for Basra and Maysan provinces and an expanded area of responsibility including Thiquar and Al Muthana provinces was being mooted. US forces were responsible for the rest of the country including the capital Baghdad.
- 2.2 Food was freely available and progress had been made in restoring water and electricity supplies. Basra appeared to have a reliable power supply and in some areas public services were being delivered to a higher standard than those prevailing before the invasion. It should be noted that some areas in Baghdad did not enjoy electricity and water supplies prior to the invasion and the provision of such services would constitute a real and palpable improvement in residents' quality of life, courtesy of the CP.

3. Report on Basra/Maysan

- 3.1 I visited 1 [UK] Armoured Division based at Basra International Airport [BIA] and a picture rapidly emerged of a highly efficient formation which had made the transition from war fighting to civil administration. I was particularly impressed by the absolute respect shown for the importance of operating within the law, both domestic and international. This approach was best exemplified by the seamless relationship between the Provost Marshal/CO 1 RMP Regiment and the SO1 [Legal]. On behalf of the GOC they were working to re-establish a fully functioning criminal justice system in the areas under their control. Thus, effective policing was seen as being dependent on the establishment of a court system with the ability to detain and imprison defendants and convicted criminals.
- 3.2 The CJS infrastructure was totally degraded with police stations, courthouses and prisons having been looted by the local population and in some cases their own staff. Looting does not do justice to the level of destruction inflicted and I can best liken the outcome to the progress of locusts across a field of corn. Buildings were looted as an expression of liberation and also to secure property for personal benefit. Staff in some cases set fire to records to cover up previous misdeeds. In any event the cumulative effect was to strip the British Area of Operations [AO] of nearly every existing CJS building. Plans were already in hand to commission Quick Impact Projects [QIP's] to provide serviceable police, detention and court buildings.
- 3.3 The SO1 [Legal] was very clear that the courts would be activated with effect from 1/6/03. He was able to set that target given liaison he had had with local lawyers including the Basra Bar. He was satisfied that judges of integrity would be available. A prison facility meeting minimum international standards was also a high priority. To date prisoners have been held in the Theatre Internment Facility [TIF], which is obviously designed to fulfil a function outside the normal criminal process.
- 3.4 UK forces were undertaking policing with the RMP in the lead. Local volunteers had been recruited as auxiliaries and they, together with elements of the Saddam Hussein era police, were being trained by the RMP in the basics of police work. It was evident that the British effort was

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focused on providing a visible police presence on the streets to reassure the wider population. The most visible presence during my visit was that of the traffic police. However, in reality we are talking about 'permanent points' police personnel who seek to moderate traffic. They possess a uniform, which is light blue in colour and clearly differentiates them from military personnel. All other uniformed elements of the Iraqi police wear an olive green uniform, which makes them look like soldiers. The rank structure is also identical to that of the army. Thus, we have police Generals and Colonels. I will return to this point later.

- 3.5 In addition to Basra City, I visited rural areas to the north and was exposed to both old regime police officers and the apparent cultural norms of Iraqi society. The local inhabitants believed they had liberated themselves, as supporters of Saddam Hussein had fled prior to the eventual arrival of CP forces. I think this is significant in that the local dynamics and politics were different to those encountered in Basra and Baghdad.
- 3.6 A local police chief was very clear that his uniform was seen as Saddam's uniform and must be changed if there was to be any hope of public acceptance.
- 3.7 The local RMP commander briefed me on recent operational events including three murders reported to local police. However, on responding local Iraqi officers initially 'no crimed' one of the murders as it related to the death of an 'adulteress'. I highlight this issue now to illustrate some key factors, which I will specifically address later.
- 3.8 Overall I was very impressed by the plans of GOC 1 Division to develop an effective and visible police presence in his AO. He was moving forward on the following areas:
 - Refurbishing police stations, courts and prisons.
 - Providing basic police training to Iraqi officers who had reported back or were recruited after the invasion.
 - Selecting and issuing new uniforms.
 - Re-establishing a viable local CJS.
- 3.9 However, during my visit on 21/22 May I was struck by the information 'black hole' that was the Office of Reconstruction and Humanitarian Assistance [ORHA] based in Baghdad. The approach adopted in Basra was neither being applauded nor disavowed by ORHA. This was an extremely unsatisfactory state of affairs. CO 1RMP and the SO1 [Legal] subsequently travelled with my colleagues and I to Baghdad, with a view to obtaining some guidance. Up to then minimal communications had been received from ORHA [Ministry of Justice/Ministry of Interior] in this regard.

4. Baghdad

- 4.1 On 23 May we flew to Baghdad. ORHA [Ministry of Interior] were unaware of our arrival, which I found strange in the light of information communicated by the United Nations Department [International Policing Unit] of the FCO. However, whilst not a major issue in itself, it was a perfect introduction to ORHA.

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- 4.2 ORHA is based in one of the numerous palaces, which are to be found throughout Iraq. It is a magnificent structure but has no functioning air conditioning and this is a very relevant factor in temperatures of 42C +. Personnel located at ORHA are confined to the palace grounds as the security situation in Baghdad is such that all movements are restricted to convoys of at least two vehicles, which require several armed guards. The most typical transport configuration was an ORHA 4WD vehicle accompanied by two heavily armed USA 'Humvees' providing protection. In practice I believe that personnel in ORHA are isolated from the reality of everyday life in Baghdad and this impacts on their effectiveness.
- 4.3 ORHA was in the process of transition when we arrived. Ambassador Paul Bremer was newly installed and it was clear that both senior and junior officials were placing great hopes in him. Popular wisdom or revisionist history suggested that ORHA was primarily designed to deal with widespread destruction and famine. In the event the relatively limited destruction and instances of local food shortages meant that the focus of media attention and political energy switched to areas such as law and order. ORHA had proven unequal to that task. Problems in co-ordinating the civil [ORHA] and military elements [US V Corps] were obvious. However, Bremer was seen as having the full authority of the President in his role as Provisional Coalition Authority [Administrator]. Senior UK officials confirmed this view. It was too early in Bremer's stewardship to assess whether or not he will deliver the more focussed and professional organisation, which is clearly required. However, by promulgating a directive on weeding Baath party officials from government posts he has already shown decisive leadership.
- 4.4 The US military presence in Baghdad is high profile. Main Battle Tanks dominate key points and the whole posture is one of heavily protected and armed mobile units. Foot patrols were not seen nor did anyone suggest they were being undertaken.
- 4.5 Whereas my colleagues and I had relatively easy freedom of movement in the British AO, security restrictions meant we saw little of Baghdad being restricted like all other ORHA based personnel.

5. Strategic Political Considerations

- 5.1 In order to facilitate discussions in Iraq I prepared a short discussion paper before leaving the UK, a copy of this paper 'Option Lighting Rod' is attached at Appendix 'A'. Whenever possible copies of this paper were supplied to key personnel in advance of our meetings.
- 5.2 Most recipients were extremely complimentary about the approach adopted in the paper but no one with authority either explicitly endorsed or rejected the strategic political assumptions advanced in it. However, I was able to make the following findings based on my discussions with senior officials including Mr Walt Slocombe.
- Iraqi national sovereignty is a given - as, indeed, it must be under international law for occupying forces.
 - A new Iraqi army will be formed as a matter of urgency. I did detect some suggestion that it might be used to guard internal facilities but I would reiterate my view that it should reflect practice in the UK and the USA. Thus, I could see such personnel providing an honour guard at a

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Presidential Palace occupied by the Head of State, but not guarding any other non-military installations.

- Though not central to my mission I am satisfied that the creation of a new intelligence infrastructure falls within the work of Walt Slocombe and will be progressed.
- Clarity in relation to the internal governance of Iraq and administrative structures was impossible to establish. However, given that such a structure should ideally reflect the views of Iraqi representatives, the lack of clarity at this stage is not surprising.
- Bremer has already taken a step in the direction of restricting possession of firearms by declaring an amnesty and prohibiting the possession of automatic weapons. Public carriage of weapons is also outlawed.

5.3 In the course of my discussions several important strands emerged. What is the goal of the CP, what are the legal restrictions within which they must operate and how do these factors interact with established Iraqi institutions and cultural norms?

5.4 Saddam Hussein has been removed and the CP have produced an environment within which an unrestricted search for WMD can be undertaken. It could be argued that with those two key tasks achieved, the CP priority is merely to assist the Iraqi people to elect/select a representative government and restore full national sovereignty to that administration. However, one very senior official advanced a more ambitious agenda whereby Iraq could become an engine for widespread regional reform with other countries being encouraged to move towards democracy based on the success of a reformed and enlightened Iraq. This is not merely a theoretical argument, as I am clear that clarity of ambition and objectives is essential to the creation of effective policing in Iraq, to say nothing of all other organs of the state.

5.5 International Law mandates occupying powers [OP] to take measures to create order and public safety. Equally, it is clear that existing laws must be respected unless they contravene the first imperative. In essence, OP have to strike a balance between their rights and obligations. In the context of Iraq, restoration of effective government, national sovereignty and transformation of society may not necessarily be one and the same thing. The treatment of women is one area, which I feel must be addressed in a clear and considered manner. There is a clear divergence between the social norms and attitudes of the two coalition powers, which currently constitute the occupying powers, and those of Iraq and indeed the wider region. If the CP are going to ensure that their values and concept of human rights are respected in Iraq, excellent. Equally, if they feel that legally they cannot change Iraqi society on those lines, it would be helpful for that reality to be spelt out. This is particularly relevant to policing, as any international officer serving in Iraq could not be associated with operational policing which did not reflect the human rights position of their parent country. Ambiguity and obfuscation would not survive long in the glare of media and domestic political scrutiny.

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- 6.1 The Iraqi Police operated in the context of a totalitarian dictatorship and not surprisingly were a tool of that regime. Undoubtedly, they behaved in a politically biased manner with scant regard for professional norms and international standards of human rights. However, it is also apparent that in addition to these major failings they were endemically corrupt. I was advised that crime was only investigated following receipt of a bribe and that an investigation could be terminated by payment of another bribe. Prison facilities discovered by the CP indicate that humane treatment of prisoners was an unknown concept. I found no evidence of female police officers.
- 6.2 The Iraqi police are perceived to be and operated as just one more security force in what was a complex web of forces and agencies. I am quite clear that the New Iraqi Police [NIP] must be seen as a distinctive force with a clear corporate identity and ethos. In addition to traffic police and what I will call general or patrol police, the Iraqi structure also recognised forces such as the Oil Industry Police. These forces appear to have been guard forces with no apparent need for police powers. I have set out a proposed structure for the NIP at Appendix 'B'.
- 6.3 It should also be noted that a prolonged period of totalitarian dictatorship has profoundly impacted on Iraqi society and the mentality of individuals and organisations. Police officers appear unable to display initiative and are conditioned to expect and follow orders from above. This may be useful in the short-term reform process but it poses real problems in creating a truly professional force.
- 6.4 ORHA has a Ministry of Interior team and its role quite clearly is to develop a plan for re-establishing an effective police structure. However, during my visit I perceived it to be ineffective, requiring additional experts before proceeding on the most basic work. Indeed, at its worst, waves of external experts and observers almost constituted police tourism and I include my own team within that perspective. A team is required to undertake a detailed analysis of buildings and the infrastructure required to support a reborn force, but I could not detect a clear and coherent leadership during my visit. Immediately prior to my departure I believe UK colleagues together with Canadian and Danish counterparts appear to have acted as a catalyst for change. A true scoping study is underway and Justin Davies and Superintendent John Hughes-Jones are part of the team undertaking that work. They aim to produce a report within the next fortnight. My plan at Appendix 'B' is not meant to pre-empt or replace that work but merely to demonstrate that basic policy building blocks could have been put in place long before now.
- 6.5 In the course of meetings it became apparent that preparations for the potential occupation of Iraq have been undertaken for some time. It is a matter of regret that professional police advice from the UK was not sought until April of this year. I recommend that any FCO crisis group formed to study a society, which may require external intervention [or emergency support] in the future, should seek advice from ACPO at an early stage. I further recommend that in situations such as Iraq a shadow Chief of Police is appointed and that individual should have responsibility for police reform. During my time with ORHA I was never clear on the relationship between Bob Gifford, Jim Steele and Bernard Kerik let alone any other players in the Ministry of Interior team. Unity of effort and

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command is a prerequisite for success. Work undertaken by RMP personnel in the British AO was much more advanced than that apparent in ORHA. Ideally ORHA should have been issuing clear policy guidance to guide the RMP. The issue of uniforms perfectly illustrates this failing. CO 1 RMP was keen to create and issue a new uniform as a matter of urgency but did not want to issue a uniform incompatible with the national plan, nor did he possess the authority to mandate the national uniform. ORHA was well behind the curve on this basic issue.

7. Assessment

- 7.1 Iraq is currently in a state of confusion, uncertainty and anticipation. Confusion following the collapse of the Saddam Hussein regime. Uncertainty as to what the future holds and anticipation that potentially the future is much brighter. My view is that the CP are on probation. Iraqis are delighted to be rid of Saddam but suspicious that the CP are motivated by a desire to seize oil resources as opposed to their declared war aims. However, at present suspicion has not turned to active dislike or resistance. There is a lot to play for, but the clock is ticking. The CP must deliver, not least in the field of internal security. I am concerned that what I call the 'bad luck factor' will become larger with each day that passes.
- 7.2 Effective policing in Iraq requires operational officers to be armed. If international civil police officers were to be engaged in duties outside a protected training establishment they would require firearms. I therefore could not recommend that officers from any Home Office force be deployed on such duties to Iraq. It should be noted that the pressure to deploy civil police officers to Iraq from overseas is likely to be immense. US and UK military forces have fought a war and are tired; to say nothing of the pressure their respective global commitments impose on them. 1 [UK] Armoured Division is scheduled to be replaced by 3 (UK) Division. That formation will have a significantly reduced RMP contingent. Specifically, 8 mainstream RMP platoons will be replaced, it is anticipated, by 2 mainstream RMP platoons. Thus, the good work to date may be unsustainable if only RMP resources are committed to that task.
- 7.3 The CP will have to decide on how best to provide support to what I have called the New Iraqi Police [NIP]. Will they task an existing international organisation or create an 'international grouping' police formation? In either case selection of contributing nations will be crucial to ensuring a consistent approach.
- 7.4 I make no apology for stressing the importance of interpretation support. Police officers must be able to communicate to be effective. ORHA appeared to lack the infrastructure to promulgate their directions in the manner required by international law i.e. in the language of the local population.
- 7.5 A comprehensive training programme will be required for the NIP and subject to the production of a detailed training requirement by ORHA, I would suggest that the UK as an occupying power may wish to participate in such a training mission. If there was appropriate political will, I would recommend that ACPO support such an initiative. However, I would flag up at this early stage the need to provide a secure training environment. Such a facility would also need to incorporate appropriate logistical support for UK officers. The current conditions at ORHA are incompatible

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with effective working by personnel unused to field conditions in such a warm climate.

- 7.6 A stable and friendly Iraq is not merely an abstract diplomatic concept but it has real implications for international police co-operation. Notwithstanding the invasion, smuggling activity has continued unabated and it is a recognised transit country for drug smugglers. Effective policing in Iraq would benefit people in the region and wider a field.
- 7.7 One additional area, which I looked in to, was that of war crimes. I believe that heading covers two specific areas, namely crimes perpetrated by the Saddam regime against fellow Iraqis and crimes against CP force personnel during the invasion.
- 7.8 It has been stated that Iraqi courts are more appropriate than an international tribunal to deal with crimes against the Iraqi people. I totally support that stance. However, from a professional perspective the priority must be to identify a court and crucially a prosecutorial process to support whatever investigative capability is tasked. Will Iraqi police officers gather evidence or will international teams be tasked? During my stay more mass gravesites were being discovered. Following a third party contact I have invited an ORHA official to discuss this issue by email with me, if there is any possibility assistance will be required from the UK. If she takes up my offer I will provide professional advice and then suggest she forwards any formal ORHA proposals direct to the FCO for assessment.
- 7.9 I am aware that the RMP are investigating at least one case where it appears the Geneva Convention [code of behaviour] was breached. The Senior Investigating Officer has arrived at the point where they require definitive advice as to the jurisdiction which applies and the procedures to be followed. I am aware guidance is being sought via the military chain of command. However, I make no apology for mentioning this matter in my report. Clarity with regard to the law is essential for a professional police officer to deliver justice in any case. Advice to comply with PACE does not constitute definitive and appropriate advice unless a decision has been taken to apply English law. In view of the fact that instances such as this were a foreseeable contingency, I trust clear advice will be rapidly supplied to the SIO in this case.
- 7.10 The appointment of a senior international police officer to oversee the creation of the NIP would have merit. However, as highlighted above various officials seem to have a role in this process. I strongly recommend that a CP Chief of Police or Chief Police Administrator be appointed to have direct control of this process. A civilian appointee would relieve military police officers of this role and reinforce the CP view that the military have a very limited role to play in internal security.
- 7.11 It appears that a contract for \$50,000,000 has been awarded to DynCorp from the US in relation to internal security in Iraq. I recommend that the future role of DynCorp be established as a matter of urgency. ORHA are now engaged in developing a plan for the NIP, the terms of this US contract may have no impact on that plan or they may be clearly incompatible.

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- 7.12 Building on my experience in Iraq I would recommend that the Home Office, FCO and ACPO discuss how best we, as a country, can ensure the provision of appropriate police advice and assistance in respect of all future crisis management operations. I specifically feel that a small number of ACPO ranks should be developed with the expertise to support such missions. The Home Office should ensure that suitable candidates attend the Royal College of Defence Studies as part of their preparation. Equally, the service's ability to deploy an ACPO ranked officer for any prolonged period of time is deficient. A central service posting mechanism [possibly NCPE] may be required to ensure appropriate tenure and terms and conditions of service. The alternative is to rely on retired officers which I do not feel is desirable.

A consolidated list of recommendations is contained at Appendix 'C'.

8. Acknowledgements

- 8.1 I would like to formally acknowledge the assistance provided to my colleagues and myself by various personnel we encountered during the week I was in Iraq. GOC I [UK] Armoured Division and his staff could not have been more welcoming and supportive. I have highlighted the good work of key officers in this report and have also written to their senior officers separately.
- 8.2 Coincidentally, my mission overlapped with a visit by the ACGS [Major General Richards] to Iraq. He invited my team to participate in relevant meetings he was conducting and this courtesy was much appreciated. I provided a very limited police input to discussions he held with senior US officials and military commanders and was delighted to do so. Liaison of this nature is an example of best practice.

I stand ready to supplement this report by verbal briefings as requested by recipients. I believe that the situation in Iraq has great potential but that urgent action to set out a clear development plan for policing in Iraq is essential. An overall police administrator is essential. Effort must be devoted politically to establishing a viable C3 regime, namely command, control and communication.

Paul Kernaghan
Chief Constable
ACPO International Affairs Portfolio

23 May 2003

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Appendix 'A'**DISCUSSION PAPER - OPTION LIGHTNING ROD****1. Introduction**

This paper is designed to stimulate discussion on the future internal security arrangements of Iraq with particular emphasis on policing. It was deliberately written prior to the author arriving in Iraq. It contains certain assumptions both operational and political in nature. It is hoped that interviewees' reaction to these assumptions, including where appropriate repudiation, will assist in the assessment process. It is also acknowledged that the document reflects British practice and doctrine.

2. Strategic Political Assumptions

- 2.1 It is assumed that the Coalition Powers [CP] administering Iraq are committed to the preservation of Iraq's territorial sovereignty.
- 2.2 That in the post Saddam era the mission of the New Iraqi Armed Forces [NIAF] will be to protect Iraq from external threats and that they will have no internal law and order role.
- 2.3 Thus, internal security will be the exclusive preserve of the police and any Intelligence body specifically mandated by the New Iraqi Administration [NIA] for that purpose.
- 2.4 Iraq will be administered as one country and that, notwithstanding appropriate devolution to regional and other levels of government, policing structures will be based on a standard national model. The composition of the police in any area of the country should ideally reflect the composition of the population to be policed but distinct regional forces will not be created.
- 2.5 That other than for legitimate sporting and allied purposes it will be illegal for organisations other than the police to bear arms.

3. Initial Structural Model and Operational Priorities for New Iraqi Police [NIP]

- 3.1 Over time the NIP should develop into as sophisticated a force as is required to effectively maintain order and investigate all crime occurring within the country. However, in the short term the absolute priority will be to establish basic law and order on the streets. Thus, public order will take priority over the investigation of offences.

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- 3.2 A single NIP force should be the short and long term goal. Whilst the old regime may have had a force dealing exclusively with Traffic, the immediate goal should be to deploy all officers on public order duties. It is acknowledged that in large urban environments the free flow of traffic may contribute to public order but the specialist knowledge and skills associated with Traffic officers will not be required in the short term.
- 3.3 The NIP must provide a visible patrol presence and ensure that they both prevent and react quickly to disturbances. The NIP must be armed. It is noted that at present the officers re-appointed on a provisional basis are limited to handguns. This is acceptable if they neither face a better-armed opposition or CP military personnel tackle that opposition. However, if criminal elements are armed with AK47 rifles for example, it may be that the NIP will require appropriate firearms. It could be that heavier weaponry is restricted to 'reserve' or 'SWAT' type formations thus marking a distinctive shift from the old regime. All such teams would be grounded in the mainstream NIP and would enjoy no special legal status.
- 3.4 The arming of the police is inextricably linked to the legal position and political approach to the carrying of firearms. What status will the CP afford to militia groups in various regions, some of which actively assisted military operations by the CP? It may be that in those areas the political movements behind the militias should be asked to provide police recruits and all other weapons held by them should be removed from the streets. If the local police have the confidence of the local population, the reason for private citizens to carry arms must be questioned.
- 3.5 Once basic public order has been restored, the NIP will be in a position to develop other services such as traffic policing and criminal investigation. However, to reiterate, there is no point in developing a forensic laboratory capability, if the NIP fail to ensure basic law and order on the streets.

4. Personnel Issues

- 4.1 Recruitment to the NIP will be a major issue and probably the key to success. Officers and potential recruits need certainty and a clear charter must be produced as soon as practicable.
- 4.2 Officers must be paid on a regular and recognised basis. The CP should decide what type of police they feel will best serve Iraq. Do they want a large but poorly paid body of officers or will they consciously go for a better-paid and higher status force. One option would be to deliberately seek to attract high calibre recruits and pay would have to be geared accordingly. In essence, a force subject to bribery and enjoying low status and morale will be a poor force. Officers who can provide decently for their families with integrity and professionalism will deliver a high quality service. Whatever the historic pattern of recruitment and promotion, the NIP provides an opportunity for the development of an honest police service, which can attract recruits from all sections of Iraqi society.
- 4.3 The question of a 'de-nazification' type process must be addressed as a priority. This issue will dominate the minds of existing officers and could be

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manipulated by elements ill disposed to the CP. Thus, a process must be developed and applied urgently. The NIP cannot be treated in isolation and the 'review' process must be consistent with that applied to other organs of government.

5. Wider Security Sector Issues

- 5.1 The desire to create a legal and judicial system, which reflects best practice internationally, is not inconsistent with effective law enforcement. However, in the short term the CP must recognise that ordinary Iraqi's may feel that the rule of law is less effective than the brutal methods practised under the previous regime. A short sentence for theft may not protect society as effectively as some sanctions utilised by the previous regime. Thus, police reform must go hand in hand with the creation of an effective judicial and correctional services structure. Long sentences of imprisonment may be the most effective sanctions open to the courts and the means to imprison must exist. It is to be hoped that society will recognise that humane treatment, even of criminals, is central to a civilised society.
- 5.2 The judiciary should be subject to the same form of ethical cleansing as the NIP.
- 5.3 The issue of 'war crimes' or 'crimes against humanity' obviously requires attention. It has been stated that such crimes will be heard before an Iraqi court, as the victims were predominantly Iraqi. In addition to establishing a suitable tribunal, steps need to be taken to create an investigative capability. Will that capability be drawn from indigenous personnel or provided by external experts? It may be that given the current state of the Iraqi Police and indeed the perceived links between officers and the former regime that external investigation is the only viable option. A decision is required urgently, as evidence will require protection and then retrieval. A prosecutor needs to be identified and then provided with external investigative expertise, so that the Iraqi tribunal is presented with the best possible evidence to support individual prosecutions.
- 5.4 The CP and indeed any new Iraqi administration will be faced with elements opposed to their programme. Iraq has undergone years of brutal dictatorship followed by massive upheaval. It is also strategically located within an area, which is home to many terrorist organisations. If a new broadly based democratic government emerges; it has a legitimate right to protect itself and the democratic system which produced it. Thus, a domestic intelligence organisation will be required. An 'Office for the Protection of the Constitution' spells out the concept. That body could be an element of the NIP or it could have a separate existence. No preferred option is put forward, but it is an issue which will require attention. In addition to its own internal requirements, Iraq must play a part in creating international order and stability. In future years friendly countries will look to Iraq for information on elements dedicated to attacking democracy and inciting regional and international instability. It may be that an organisation formed under CP guidance and infused with appropriate respect for human rights would provide the best opportunity to develop an effective and professional liaison service.

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6. Conclusion

Agree who your police are going to be, dominate the streets and then progressively expand and develop additional professional capabilities. One obvious role for the CP and other friendly nations is the provision of training support. Members of the NIP will require training in professional skills and professional behaviours. This will be a massive undertaking given the history and size of Iraq.

This short paper was designed to provoke discussion and thus assist in developing a clear vision of how best a new era of stability and domestic order can be established in Iraq.

Paul R Kernaghan
Chief Constable
ACPO International Affairs Portfolio

10th May 2003

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Appendix 'B'**SKELETON PLAN FOR NEW IRAQI POLICE [NIP]****1. Core Units**

- 1.1 There should be one national police force, sub-divided in to appropriate units and departments. Ideally the police structure should reflect the wider administrative structure of Iraq. Thus, a regional council or governor would have a police counterpart with whom to liaise. Co-terminosity between the police and other agencies would facilitate operational effectiveness.
- 1.2 The Traffic Police should form part of the single national police force. However, in the short term they may retain their distinctive uniform and limited functions. As Iraq develops there will be a case for the Traffic Police [Division] to increase its professional capabilities and that may be an opportunity for closer integration.
- 1.3 All specialised police forces such as the Oil Industry Police should be reorganised as guard forces either under state control or sponsored by approved commercial undertakings. Static security guards do not require police powers and their continued association with the police function cannot be justified.

2. Size/Establishment

- 2.1 Detailed work will be required to establish the size of the NIP. However, the force should ideally be designed solely for the policing function and numbers should not be inflated as a form of 'workfare' or to pacify political sensibilities.

3. Corporate Image/Ethos

- 3.1 The NIP should be stripped of all military associations and develop its own clear identity. Thus, a new national uniform should be rapidly agreed on and issued. New badges of rank should be developed. It is suggested that the following rank structure would assist in the move from a military formation. It deliberately does not exactly mirror UK practice and would create a distinctive Iraqi structure.

Patrol Officer [Currently 'police officer' means a commissioned officer, police officer as the basic grade might be confusing but 'patrol officer' indicates a function and also highlights the core role of police]

Sergeant

Inspector

Assistant Superintendent

Superintendent

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Chief Superintendent

Assistant Commissioner

Commissioner

Deputy Inspector General

Inspector General of the New Iraqi Police

- 3.2 Junior officers might well spend their entire careers within one region and in general police detachments should reflect the composition of the local community. However, senior officers should be posted on a national basis with NIP HQ being responsible for their career development.

4. Pay

- 4.1 If the NIP is to be a real break with the past it must be a professional force operating with both corporate and individual integrity. Police officers must be paid a salary, which enables them to lead honest lives properly providing for their families. Creation of an appropriate pay structure would boost morale and provide a powerful incentive for officers to support the new standards and structure.

5. Operational Priorities

- 5.1 Initially the absolute priority will be a highly visible uniformed presence on the streets but as matters improve the force can expand its specialist capability including investigative functions. However, one issue requires immediate work and policy decisions by the CP. How is public order to be upheld? If a violent but unarmed mob attacked a building, CP forces or other sections of society, how would they be controlled? At present the CP forces would be limited in Baghdad to shooting them – an option open to manipulation and adverse media coverage. However, such a robust approach might be consistent with the wishes of the Iraqi people. Assuming that a more reasonable and proportionate response is desirable, riot control training is a priority. The NIP needs to develop a public order capability, which is consistent with international best practice.
- 5.2 Iraqi society is awash with firearms with many respectable citizens seeing them as the ultimate guarantor of family protection in the current era of uncertainty. The NIP must be an armed force. However, the norm should be possession of a handgun. Rifles and sub-machine guns should only be issued to personnel who require them based on the current threat assessment or the nature of their duties. Officers on patrol in quiet areas do not need such weaponry. The removal of universal AK47 carriage would be an important sign of a changed era and attitudes.

6. Training

- 6.1 Historically officers and indeed warrant officers received training at the Baghdad Police Academy. Junior officers appear to have been trained locally. There is a contradiction inherent in their corporate level of training.

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Some officers appear to have been very technically proficient whilst others have shown themselves incapable of even basic crime reporting duties.

- 6.2 It is suggested that training be conducted primarily at regional training schools. It may be that these schools do not correspond with operational or administrative regions to lessen the perception that forces have a loyalty to regions as opposed to the nation as a whole. In the short-term basic training may have to be conducted within local police stations - training cannot await the refurbishment of centralised facilities.
- 6.3 Senior officer training and advanced specialist courses should be held at a national police academy. It might be situated in Baghdad but does not need to be.
- 6.4 Existing officers all require training in basic police work and crucially in professional values and human rights. Confirmation in the NIP force should be dependent on their behaviour and successfully undertaking such training.
- 6.5 Senior officers are crucial to the creation of a NIP force. Priority should be given to this task. There may be merit in identifying officers with potential for national command and training them outside the country thus exposing them to different cultures and styles of policing.

7. External Support

- 7.1 Training will necessarily be conducted in Arabic and if non-Arabs are to conduct and participate in the training, appropriate language assistant support must be provided. It has been suggested that police officers from other Arab countries might be utilised. This depends on the ultimate goals of the CP as set out at paragraphs 5.3 and 5.4 of the main report. There are powerful arguments in favour of using fellow Arabs but equally they may not sign up to the concepts and professional attitudes supported by the Coalition Powers.
- 7.2 Historically, training in similar situations has been undertaken by existing international organisations such as the OSCE, the UN or the EU. Such organisations have the advantage of experience and developed infrastructures to mount missions. However, it may be that in this case such organisations are not considered appropriate. If that is the case a new 'international grouping' or International Police Group Task Force [IPGTF] will be required.
- 7.3 This IPGTF could assist in the provision of training and also provide a mentoring, monitoring and advisory capability.

8. Buildings

- 8.1 Work is already in hand to refurbish existing police facilities and new facilities will be required. However, progress should not be delayed by building work. Other buildings and tents could be utilised to provide a base for police activity. The NIP must be a service-orientated organisation and officers should not view new stations as a prerequisite of effective service delivery. A 'can do' culture should be indoctrinated in to the NIP at every opportunity.

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Appendix 'C'**CONSOLIDATED LIST OF RECOMMENDATIONS**

- I recommend that any FCO crisis group formed to study a society, which may require external intervention [or emergency support] in the future, should seek advice from ACPO at an early stage. [Para 6.5 refers]
- I further recommend that in situations such as Iraq a shadow Chief of Police is appointed and that individual should have responsibility for police reform. [Para 6.5 refers]
- I therefore could **NOT** recommend that officers from any Home Office force be deployed on such duties to Iraq. [Para 7.2 refers]
- A comprehensive training programme will be required for the NIP and subject to the production of a detailed training requirement by ORHA, I would suggest that the UK as an occupying power may wish to participate in such a training mission. If there was appropriate political will, I would recommend that ACPO support such an initiative. However, I would flag up at this early stage the need to provide a secure training environment. Such a facility would also need to incorporate appropriate logistical support for UK officers. The current conditions at ORHA are incompatible with effective working by personnel unused to field conditions in such a warm climate. [Para 7.5 refers]
- I strongly recommend that a CP Chief of Police or Chief Police Administrator be appointed to have direct control of this process. A civilian appointee would relieve military police officers of this role and reinforce the CP view that the military have a very limited role to play in internal security. [Para 7.10 refers]
- I recommend that the future role of DynCorp be established as a matter of urgency. ORHA are now engaged in developing a plan for the NIP, the terms of this US contract may have no impact on that plan or they may be clearly incompatible. [Para 7.11 refers]
- Building on my experience in Iraq I would recommend that the Home Office, FCO and ACPO discuss how best we, as a country, can ensure the provision of appropriate police advice and assistance in respect of all future crisis management operations. I specifically feel that a small number of ACPO ranks should be developed with the expertise to support such missions. The Home Office should ensure that suitable candidates attend the Royal College of Defence Studies as part of their preparation. Equally, the service's ability to deploy an ACPO ranked officer for any prolonged period of time is deficient. A central service posting mechanism [possibly NCPE] may be required to ensure appropriate tenure and terms and conditions of service. The alternative is to rely on retired officers which I do not feel is desirable. [Para 7.12 refers]

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